

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAVOCIA I. CALLAHAN,

Defendant Below,
Appellant

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

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§ No. 613, 2005

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§ Court Below—Superior Court

§ of the State of Delaware,

§ in and for New Castle County

§ Cr. ID 0411019428

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Submitted: February 24, 2006

Decided: March 28, 2006

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 28th day of March 2006, it appears to the Court that:

(1) On February 10, 2006, the Clerk issued a notice to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix.

(2) The February 10th notice to show cause was sent to appellant at Sussex Correctional Institution, the address he gave when he filed the notice of appeal. On February 13th, the notice to show cause was returned to the Clerk's office with the notation, "Attempted, Not Known." The Clerk's office

contacted the Department of Correction and obtained an address for appellant in Wilmington, Delaware, to which the notice to show cause was then forwarded. On February 17th, a brief delinquency letter that had been mailed to appellant at the Wilmington, Delaware address was returned to the Clerk's office with the notation, "Moved ... Left No Address ... Unable to Forward ... Return to Sender." On February 24, 2006, the Notice to Show Cause was returned to the Clerk's office with the Notation, "Moved, Left No Address."

(3) The appellant has failed to provide the Court with his current address and thus has failed to respond to the notice to show cause within the required ten-day period. Dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice